

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO**

Petition for Revocation of Supervised Release

Name of Offender: John Fierro
Docket Number: 1084 1:15CR04086 -001JCH
Assigned Judge: Honorable Judith C. Herrera, United States District Judge
Date of Original Sentence: 04/26/2016
Original Offense: 18 U.S.C. 1152: Assault Resulting in Serious Bodily Injury, a Crime Occurring in Indian Country
Original Sentence: BOP: 24 months; TSR: 3 years
Date Supervision Recommended: 12/20/2018
Date Supervision Expires: 12/19/2020
Other Court Action: 11/08/2017: Term of Supervised Release revoked due to the defendant having direct or indirect contact or communication with the victim of the case. The defendant was sentenced to five months custody, followed by 28 months of supervised release.
06/28/2018: Term of Supervised Release revoked due to the defendant failing to reside in a residential reentry center for a term of (up to) 6 months. The defendant was sentenced to seven months custody, followed by 24 months of supervised release.

PETITIONING THE COURT

To issue a warrant. The defendant is currently in state custody.

U.S. Probation Officer of the Court, David J. Rhodes, alleges the offender has violated the following condition(s) of supervised release.

<i>Violation Type</i>	<i>Nature of Noncompliance</i>
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MC	You must not commit another federal, state, or local crime.
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On February 12, 2019, the defendant was arrested by the San Juan County Sheriff's Office and charged with Aggravated Battery Against a Household Member (misdemeanor) in violation of NMSA 30-03-16(A) & (B), in the Farmington Magistrate Court. This case is currently pending.

According to the Statement of Probable Cause prepared by the San Juan County Sheriff's Office on February 12, 2019, the San Juan County Sheriff's Office responded to a report of a physical fight between the defendant and the victim; the defendant's girlfriend. When the deputy arrived at the scene, he observed the victim holding an ice pack to the right side of her face. When she removed the ice pack from her face the deputy observed her right cheek to be immensely swollen

and sticking out about two inches from the normal size of her cheek. The deputy asked the victim if her right cheek was the only injury and she stated the left side of her face was also sore, as well as the back side of her head. While speaking to the deputy, the victim reported she and the defendant began arguing, which led to the defendant punching her "a couple of times" in the face.

The maximum statutory penalty: 2 years imprisonment; 3 years supervised release.
The revocation range of imprisonment: 5 to 11 months.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on 02/13/2019.

Submitted:

Approved:

☒ Phone Approval

Jennifer L. Chance for

David J. Rhodes
Senior U.S. Probation Officer
505-635-7459

Jack E. Burkhead
(505) 224-1434
Assistant U.S. Attorney

Date: 02/13/2019